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MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627			EXAMINER NGUYEN, QUYNH H	
			ART UNIT 2642	PAPER NUMBER
DATE MAILED: 01/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/653,670

Applicant(s)

REID, LAURA

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed 11/10/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-12, 14-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12, 14-19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed 11/10/05 has been entered. Claims 2-6, 8-9, 11-12, 14-19, and 21-24 have been amended. Claims 1, 13, and 20 have been cancelled. No claims have been added. Claims 2-12, 14-19, and 21-24 are still pending with claims 4, 16, and 23 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 2-8, 11-12 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. (U.S. Patent 6,665,293) in view of Lin et al. (Pub. No.: US 2004/0240430).

**As to claim 2**, Thornton et al. teach selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or over a data network (col. 10, lines 59-62). Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-based devices such as networked computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63).

However, Thornton et al. do not explicitly teach routing a VoIP phone call to a cable modem device.

Lin et al. teach a cable modem is used to connect to the data network (packet switched network) (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem such as: a DSL modem or a cable modem to connect a telephone call to the data network or Internet, the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

**As to claim 3**, Thornton et al. teach selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or over a data network (col. 10, lines 59-62). Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-based devices such as networked computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63).

However, Thornton et al. do not explicitly teach routing a VoIP phone call to a digital subscriber line (DSL) modem device.

Lin et al. teach the connection to the data network (packet switched network) over a physical medium implemented using a DSL modem (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem, a cable modem, or a DSL modem to connect a telephone call to the data network or Internet,

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the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

**As to claim 4**, Thornton et al. teach a method of routing phone calls in a communication system comprising: selectively routing a phone call through an analog phone line to a local access phone provider (col. 10, lines 20-24), and gateway 200 is part of a local access phone provider) for communication across a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or converting the phone call to a VoIP phone call (col. 2, lines 59-66; col. 13, lines 62-65 - *where Thornton discussed Digital Signal Processor 225 convert digitized telephony signal from telephone call to data network (IP data) into suitable IP packets and transmit them over the LAN, then over the data network to a VoIP telephony gateway, hence routing the phone call to IP data network to VoIP gateway*) and routing the VoIP phone call through a broadband network modem device (col. 12, lines 19-44 - modulating T1/E1 data signals and sending over the network, hence there exist a modem) to a local access Internet provider for communication across a packet switched network over a data network (col. 10, lines 59-62) based on a called number to which the phone call is directed (col. 6, lines 63-67). Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-based devices such as networked computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63); and a private data network or a public network such as the Internet (col. 9, lines 13-18; col. 2, lines 64-66).

However, Thornton et al. do not explicitly teach routing a phone call to a broadband network modem.

Lin et al. teach the connection to the data network (packet switched network) over a physical medium implemented using broadband network modem such as a cable modem (packet switched network) (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem such as: a DSL modem or a broadband network modem to connect a telephone call to the data network or Internet, the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

**As to claim 5**, Thornton et al. teach routing the phone call to the PSTN when the called number corresponds to at least one predefined number (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17).

**As to claim 6**, Thornton et al. teach routing the phone call to the packet switched network when the called number does not correspond to the at least one predefined number (col. 10, lines 59-62 - *where Thornton discussed each gateway provides either of two path for routing traffic: PSTN 20 or data network 30*, and col. 29, lines 10-30 - *where Thornton discussed routing predefined number through PSTN and not through the data network, hence the called number that does not correspond to the predefined number would have to be routed through the only path left is data network or packet switched network*).

**As to claim 7**, Thornton et al. teach the predefined number is 911 (col. 7, lines 1-8 and col. 11, lines 45-48).

**As to claim 8**, Thornton et al. teach routing a call to the PSTN when the called number corresponds to an emergency number (col. 29, lines 10-17), and routing a call as a Voice-Over-Internet-Protocol to an Internet network when the called number does not correspond to an emergency number (col. 25, lines 47-66; col. 29, lines 15-46 - *where Thornton discussed for VoIP call transiting through the gateway, IP packets supplied to TCP/IP process for routing to the LAN and to the data network*).

**As to claim 11**, Thornton et al. teach providing the called number to the PSTN or the packet switched network based on the called number (col. 45, lines 55-65 - *where Thornton discussed providing the called number to the gateway and to the call handler CH 560, then to the PSTN*).

**As to claim 12**, Thornton et al. teach selectively routing the phone call to an Internet network to a VoIP provider (col. 13, lines 62-65 - *where Thornton discussed Digital Signal Processor 225 convert digitized telephony signal from telephone call to data network (IP data) into suitable IP packets and transmit them over the LAN, then over the data network to a VoIP telephony gateway, hence routing the phone call to IP data network to VoIP gateway*).

**As to claim 21**, the limitation of the claims is the same as the limitation of claim 2; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 2. Furthermore, Thornton et al. teach the computer program product (col. 11, line 66 through col. 12, line 18 and col. 15, lines 27-38).

**As to claim 22**, the limitation of the claims is the same as the limitation of claim 3; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 3. Furthermore, Thornton et al. teach the computer program product (col. 11, line 66 through col. 12, line 18 and col. 15, lines 27-38).

**As to claim 23**, the limitation of the claims is the same as the limitation of claim 4; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 4. Furthermore, Thornton et al. teach the computer program product (col. 11, line 66 through col. 12, line 18 and col. 15, lines 27-38).

**As to claim 24**, the limitation of the claims is the same as the limitation of claim 8; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 8. Furthermore, Thornton et al. teach the computer program product (col. 11, line 66 through col. 12, line 18 and col. 15, lines 27-38).

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. (U.S. Patent 6,665,293) in view of Lin et al. (Pub. No.: US 2004/0240430) and further in view of Yeh et al. (Pub. No.: US 2005/0073995).

**As to claim 9**, Thornton and Lin do not explicitly teach selectively establishing an analog connection between a phone and the PSTN or a digital connection between the phone and the packet switched network based on the called number.

Yeh et al. teach selectively establishing an analog connection between a phone and the PSTN (page 2, [0016], lines 4-9) or a digital connection between the phone and the packet switched network based on the called number (page 2, [0016], lines 1-4).



It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of selectively establishing an analog connection between a phone and the PSTN or a digital connection between the phone and the packet switched network based on the called number, as taught by Yeh, in Thornton's and Lin's systems thus making the system more efficient by routing PSTN phone numbers through PSTN network in order to reduce telephone fees and increase convenient, as discussed by Yeh (page 1, [0012]).

**As to claim 10**, Thornton et al. teach converting analog signal from the phone to a digital signal based on the called number (col. 14, lines 31-36).

5. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. (U.S. Patent 6,665,293) in view of Vortman et al. (Pub. No.: US 2003/0002479) and further in view of Lin et al. (Pub. No.: US 2004/0240430).

**As to claim 14**, Thornton et al. teach a controller (Fig. 2, controller 240) is configured to selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or over a data network (col. 10, lines 59-62). Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-based devices such as networked computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63).

However, Thornton and Vortman do not explicitly teach routing a VoIP phone call to a cable modem device.

Lin et al. teach a cable modem is used to connect to the data network (packet switched network) (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem, a DSL modem, or a cable modem to connect a telephone call to the data network or Internet, the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

**As to claim 15**, Thornton et al. teach a controller (Fig. 2, controller 240) is configured to selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or over a data network (col. 10, lines 59-62). Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-based devices such as networked computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63).

However, Thornton and Vortman do not explicitly teach routing a phone call to a digital subscriber line (DSL) modem device.

Lin et al. teach the connection to the data network (packet switched network) over a physical medium implemented using a DSL modem (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem, a cable modem, or a DSL modem to connect a telephone call to the data network or Internet, the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

**As to claim 16**, is rejected for the same reasons as discussed above with respect to claim 4. Furthermore, Thornton et al. teach a controller (Fig. 2, controller 240) is configured to selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17).

**As to claim 17**, Thornton et al. teach converting analog signal for communication across the packet switched network (digital signal) when the called number corresponds to at least one predefined number (col. 29, lines 10-17 - *where Thornton discussed predefine number are routed through the PSTN (analog signal)* and col. 14, lines 31-36 - *where Thornton discussed converting an analog signal to digital signal is necessary in order to communicate over the packet switched*).

**As to claim 18**, Thornton et al. teach the controller configured to determine whether the called number corresponds to at least one predefined number comprising a switch that is configured to selectively pass a signal from phone to the PSTN based on the determination by the controller (col. 28, line 61 through col. 29, line 17 - *where Thornton discussed the call handler CH 560 interacts with both DSP driver 519 and TASQ process 537 to determine whether the called number corresponds to one of a predefined number then pass a signal from a phone to the PSTN or route the call through the PSTN*).

**As to claim 19**, Thornton et al. teach gateway 200 of Fig. 1 comprising:

a controller (Fig. 2, controller 240, digital signal processor 225) that is configured to selectively routing a phone call to a public switched telephone network (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or to a packet switched network (data

network) based on a called number to which the phone call is directed (col. 6, lines 63-67).

Thornton et al. do not specifically teach the phone adapter comprising: a phone interface that is configured to be communicatively connected to a phone; a PSTN interface connected to the PSTN; and an Internet interface connected to the Internet.

Vortman et al. teach a phone adapter (Fig. 4, 52) comprising: a phone interface that is configured to be connected to a phone (Fig. 4, *phone interface 72 connected to phone 50 via link 66*); a PSTN interface (Fig. 4, *phone line interface 80 connected a phone line through plug 70 and then to PSTN 24 as shown in Fig. 3*); and an serial interface 82 connected to work station 48 and used by the agent to connect to network 46 or a different packet network or Internet network (page 3, [0048], lines 14-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the phone adapter comprising: a phone interface that is configured to be communicatively connected to a phone; a PSTN interface connected to the PSTN; and an Internet interface connected to the Internet, as taught by Vortman in Thornton's system in order to enable user's telephone to be used both as a telephone line interface for calls over PSTN and as in audio interface for VoIP calls through the user's PC, as discussed by Vortman (page 2, [0009]), and the user can use the PC to connect to different packet network, also discussed by Vortman (page 3, [0048], lines 14-16). Even though Thornton does not specifically recites a phone adapter comprising a phone interface, a PSTN interface, and an Internet interface; in order for the gateway 200 to connect to phone 16, selectively routing a phone call to a PSTN 20 or Data

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(Packet) Network 30, and be able to switch between passing analog signal to PSTN and digital signal to Data Network, there must exist an interface in order to communicate between the gateway and the communication device/network.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 2-12, 14-19, and 21-24 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejections. Applicant argues that the data network 30 is a private network, not the Internet. Examiner respectfully disagrees. Thornton teaches a private data network or a public network is the Internet (col. 9, lines 13-18; col. 2, lines 64-66).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Quynh H. Nguyen

January 19, 2006